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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,562	09/29/2003	Gersh Korsinsky		8840

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GERSH KORSINSKY
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EXAMINER

RINEHART, KENNETH

ART UNIT PAPER NUMBER

3749

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,562

Applicant(s)

KORSINSKY ET AL.

Examiner

Kenneth B. Rinehart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Arguments***

Applicant's arguments filed 2/22/05 have been fully considered but they are not persuasive. The applicant argues that Teng cannot anticipate the claim limitation. The examiner respectfully disagrees, as claims in a pending application should be given their broadest reasonable interpretation. The examiner does not believe that it is unreasonable for the reference to read on the claim limitations.

Specification

The amendment filed 2/22/05 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: trucks etc; airplanes etc; boat etc.; power equipment (cranes etc); metallurgy etc; chemurgy etc. ; heating, cooling ventilation systems etc. ; power stations etc.; housing utilities rooms, etc; hazardous and storage rooms etc. ; kitchens etc.; laundries and cleaning. processes etc. underground utilities (maintenance chambers etc) ; sanitary and storm sewers, chambers and ketch basins, etc.; garages etc; and any source that produce pollutant; protection of environment form transporation pollution, protection form garbage waste sewage discharges, sanitation. Quality of life, The pump 3 optional pump gases inot bag from sources 1 and 6 controls the one way pumping inot the bag 4 only. The unit 7 controls the level of the bags filing and unit 8 is an opening for changing bags only. The unit 7 controls the level of the bags filing and unit 8 is an opening for changing bags, and unit 9 is a connector to the pipe 2. Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 1,2,3 been renumbered 4,5,6.

Claims 2 and 3 are objected to because of the following informalities: claims 2 and 3 lack a preamble and a transition. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3-6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 3-6 refer to “a polluting impossible (inexhaustible means), a put away pollutant that prevents polluting form process, a process means a system of operations in producing pollutant; trucks etc; airplanes etc; boat etc.; power equipment (cranes etc); metallurgy etc; chemurgy etc. ; heating, cooling ventilation systems etc. ; power stations etc.; incinerators

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etc, housing utilities rooms, etc; hazardous and storage rooms etc. ; kitchens etc.; laundries and clean.. processes etc. underground utilities (maintenance chambers etc) ; sanitary and storm sewers, chambers and ketch basins, etc.; garages etc; and any source that produce pollutant; a pollutant means something that pollutes waste material that contaminates air, water, soil; a put away pollutant means any preventing polluting, a put away pollutant from sanitation collections; a sanitation collection means waste collection; a fuel means producing energy form waste disposal, a collection means an incinerated material disposal into a central sanitation collection system." which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, the phrase "like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Regarding claim 3, the phrase "like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Tseng. Tseng shows An exhaust less Pollutant comprising: A pollutant means something that contaminates the air, water, etc (col. 1, lines 1-12), A contamination means any material of waste or any pollutant (col. 1, line 5); An exhaust less means prevention a free exhaust (fig. 1); A prevention of a free exhaust means a collection of the pollutant (2, fig. 1), A collection of pollutant means placing by any knowing means the pollutant into any storage means (1, 2, fig. 1), A source of energy means an exhaust less incinerate garbage or any waste, drainage , disposal sewage and like (fig. 1), A sanitation collection means an exhaust less incineration of garbage ,any waste, drainage disposable sewage and like (fig. 1).

Claims 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Clay (5289786). Clay shows a polluting impossible (inexhaustible means), a put away pollutant that prevents polluting form process, a process means a system of operations in producing pollutant; trucks etc; airplanes etc; boat etc.; power equipment (cranes etc); metallurgy etc; chemurgy etc. ; heating, cooling ventilation systems etc. ; power stations etc.; incinerators etc, housing utilities rooms, etc; hazardous and storage rooms etc. ; kitchens etc.; laundries and clean.. processes etc. underground utilities (maintenance chambers etc) ; sanitary and storm sewers, chambers and ketch basins, etc.; garages etc; and any source that produce pollutant ; a pollutant means

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something that pollutes waste material that contaminates air, water, soil; a put away pollutant means any preventing polluting, a put away pollutant from sanitation collections; a sanitation collection means waste collection; a fuel means producing energy from waste disposal, a collection means an incinerated material disposal into a central sanitation collection system (figure 1)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B. Rinehart whose telephone number is 571-272-4881. The examiner can normally be reached on 7:20 -4:20.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Josiah Cocks can be reached on 571-272-4874. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

kbr


KENNETH RINEHART
PRIMARY EXAMINER